

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**PATSY MARIE BUCKNER,**

**Plaintiff,**

**v.**

**MICHAEL J. ASTRUE,**

**Commissioner of Social Security,**

**Defendant.**

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**Civil Action No. 1:09CV158**

**J U D G M E N T**

**THIS MATTER** is before the Court on the parties' consent motion, pursuant to sentence four of 42 U.S.C. § 405 (g), for entry of a judgment reversing the Commissioner's decision with a remand of the cause for further administrative proceedings.

On remand, the Commissioner will give further consideration to the two administrative decisions in the record, the unfavorable decision, dated December 27, 2006, and the favorable decision, which found that Plaintiff was disabled as of October 1, 2007. Specifically, the Commissioner will review the two decisions, pursuant to *Hearings, Appeals and Litigation Law Manual* I-4-2-101 to determine if there is an inconsistency between the two administrative decisions, especially in view of Plaintiff's advance age.

Pursuant to the power of this Court to enter a judgment reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405 (g),

**IT IS, THEREFORE, ORDERED** that the consent motion is **ALLOWED**, and the Commissioner's decision is hereby **REVERSED** under sentence four of 42 U.S.C. § 405 (g) and **REMANDED** to the Commissioner for further proceedings. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

Signed: June 29, 2009

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

